

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-11 are currently pending. No claims have been amended by the present response, and no new matter has been added.

In the outstanding Office Action, Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,026,297 to Haartsen and U.S. Patent No. 7,206,586 to Kim; Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen '297 (hereinafter, "Haartsen '297") and U.S. Patent No. 7,206,568 to Kim; Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen '297, Kim, and U.S. Patent No. 7,016,372 to Haartsen (hereinafter, "Haartsen '372"); Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen '297, U.S. Patent No. 6,850,502 to Kagan, and U.S. Patent Application Publication No. 2003/0076842 to Johansson; Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen '297, Kagan, Johansson, and U.S. Patent Application Publication No. 2003/0035388 to Schmidt; and Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen '297, Schmidt, Johansson, and Kagan.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejections of independent Claim 1 based on Haartsen '297, Haartsen '372, and Kim for the following reasons.

**First**, the Office Action fails to realize that Applicants' Claim 1 recites "splitting up said wireless ad hoc network such that at least one additional wireless ad hoc network is

spawned, if more bandwidth than said certain amount of available bandwidth is required by said plurality of wireless terminals.”

As such, Claim 1 clarifies that the wireless ad hoc network is split up such that at least one **additional** wireless ad hoc network is spawned (i.e., generated) if more bandwidth than said certain amount of available bandwidth is required by said plurality of wireless terminals.

The Office Action erroneously rejects the above feature recited in independent Claim 1 as being taught by Haartsen ‘297.

Haartsen ‘297 is directed to enabling wireless units to contemporaneously participate in communications taking place in more than one piconet at a time, such that, three piconets A, B, C are present and there is a unit X that contemporaneously participates as a slave in all three piconets.<sup>1</sup> Further, as is illustrated in Fig. 3a of Haartsen ‘297, a unit may become master or slave of another ***existing*** piconet in which the unit has formerly not participated.

Nevertheless, the Office will appreciate that, as a result of this participation, the total number of piconets is ***not*** changed. That is, applying the teachings of Haartsen ‘297 does ***not*** support a conclusion that at least one additional wireless ad hoc network is spawned or generated due to the participation of the unit in the another existing piconet.

Thus, Haartsen ‘297 does ***not*** disclose or suggest splitting up said wireless ad hoc network such that at least one **additional** wireless ad hoc network is spawned, as asserted in the Office Action.

**Second**, Applicants note that the 35 U.S.C. §103(a) rejections of the present claims based on the cited reference Kim are improper for the following reasons.

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<sup>1</sup> See Haartsen ‘297, column 2, lines 38-54.

Kim was filed on September 28, 2005, and is a continuation application of U.S. Application Serial No. 10/288,041 filed **November 5, 2002**. Further, U.S. Application Serial No. 10/288,041 claims benefit of U.S. Provisional Application No. 64/337,694 (hereinafter, "Kim-1") filed on **November 8, 2001**. Finally, Applicants note that the contents of Kim-1 are different from the contents of cited reference Kim.

The Office will also appreciate that the present application filed October 13, 2005, and claims priority from International Application No. PCT/EP2003/009062 filed **August 14, 2002**.

Therefore, since the priority date of the cited reference Kim (November 5, 2002) is ***after*** the date of priority of the present application (August 14, 2002), and the contents of Kim-1 are ***different*** from the contents of the cited reference Kim, the claims in the present application may be properly rejected only based on the contents of Kim-1, and ***not*** the cited reference Kim.

For this reason alone, Applicants submit that the 35 U.S.C. §103(a) rejections of the present claims based on the cited reference Kim are improper, and should be withdrawn.

If the Office wishes to assert that the contents of Kim-1 are **the same** as the contents of the cited reference Kim, then Applicants respectfully request the Office to provide a copy of Kim-1, which is relied upon for the rejections.

The above discussion regarding independent Claim 1 also applies to independent Claim 9, which recites analogous features in a claim of a different scope. In particular, Claim 9 clarifies that the splitting unit controls the splitting of the wireless ad hoc network, wherein an additional wireless ad hoc network is spawned.

As discussed above, since neither Haartsen '297 nor Kim, alone or in combination discloses or suggests that an additional wireless ad hoc network is spawned, and since the 35 U.S.C. §103(a) rejections of the present claims based on Kim are improper, Applicants respectfully request that the 35 U.S.C. §103(a) rejection of independent Claims 1 and 9 (and associated dependent Claims 2-6 and 10) be withdrawn.

Applicants' independent Claim 7 clarifies that (1) the condition checking unit checks if the wireless terminal can be operated under conditions indicated by the central controller for the *wireless terminal to move to a new ad hoc wireless network* and to leave the current wireless ad hoc network, and (2) the sending unit sends out a confirmation command when the condition checking unit determines that the wireless terminal can be operated under the conditions to signal that the wireless terminal can move to the new wireless network.

The Office Action acknowledges that any combination of Haartsen '297 and Johansson fails to disclose or suggest the above claimed features.<sup>2</sup> Rather, the Office Action asserts that Kagan discloses the same.

Applicants respectfully traverse the above assertions in the Office Action for the following reasons.

**First**, in the cited portions, Kagan simply describes that the control node determines if a join process to join the current network is completed or not by receiving a confirmatory communication from a joining node indicating the completion of the join process.<sup>3</sup> Therefore, at best, Kagan simply describes that a confirmatory communication is received by

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<sup>2</sup> See Office Action dated July 23, 2010, page 7.

<sup>3</sup> See Kagan, column 9, line 66, to column 10, line 6.

the control node from a joining node when the join process of joining the current network is complete.

However, there is *no* disclosure in Kagan of the joining node sending a confirmation command to the central node after determining that the joining node can be operated under certain conditions to signal that the joining node *can move to another new wireless network*.

Thus, Kagan does *not* disclose or suggest the claimed sending of the confirmation command after it is determined that the wireless terminal can be operated under certain conditions to signal that the wireless terminal can move to another new wireless network.

No matter how the teachings of Haartsen '297, Johansson and Kagan are combined, the combination does *not* disclose or suggest the above claimed sending a confirmation command when it is determined that the wireless terminal can be operated under certain conditions to signal that the wireless terminal can move to a new wireless network, as recited in Claim 7.

**Second**, the Office Action acknowledges that a combination of Haartsen '297 and Kagan fails to disclose a command to leave said wireless ad hoc network. Rather, the Office Action relies on Johansson to disclose this feature.

In paragraphs [0069]-[0070], Johansson refers to a JUMP node, in which there is an agreement as to the start time of an inter-piconet communication session. Therefore, a JUMP node does not receive a requesting *command* to ask the wireless terminal to move to a new ad hoc wireless network and to leave said wireless ad hoc network. Rather, according to paragraphs [0074]-[0075] of Johansson, there is an agreement, or a common pseudo random sequence, or an agreement upon time when the inter-piconet communication session starts.

Thus, no matter how the teachings of Haartsen '297, Haartsen '372 and Johansson are combined, the combination does **not** disclose or suggest that the receiving unit is configured to receive a requesting command to ask the wireless terminal to move to a new ad hoc wireless network and to leave said wireless ad hoc network, as recited in Claim 7.

Accordingly, even if a skilled person were to combine the teaching of Haartsen '297, Haartsen '372 and Johansson, the combined teachings do **not** disclose or suggest the above discussed features recited in Claim 7.

The above discussion regarding independent Claim 7 also applies to independent Claim 11, which recites analogous features in a claim of a different scope.

Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 7 (and associated dependent Claims 8 and 11) be withdrawn.


Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

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